



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/171,735	12/04/1998	JOACHIM SCHONBECK	3245-628PCT	8394

7590

07/30/2002

COHEN PONTANI LIEBERMAN & PAVANE  
551 FIFTH AVENUE  
SUITE 1210  
NEW YORK, NY 10176

EXAMINER

WILKINS III, HARRY D

ART UNIT

PAPER NUMBER

1742

DATE MAILED: 07/30/2002

19

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.		Applicant(s)	
	09/171,735		SCHONBECK ET AL.	
	Examiner		Art Unit	
	Harry D Wilkins, III		1742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 June 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-8, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-8, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 12 June 2002 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-8, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nitou et al (JP 59-092103).

Nitou et al disclose the invention substantially as claimed. Nitou et al disclose (see English abstract and Fig. 1) a process for producing hot rolled steel strip from a continuous cast precursor strip comprising the steps of:

Receiving at a first deformation stage having at least one roll stand, the continuous precursor strip;

Rolling the continuous precursor strip

Coiling the strip to form a coil weight comprising 203 tons (see page 4, col 2),  
i.e.-at least 40 tons;

Uncoiling the strip;

Rolling the strip again;

Producing a plurality of finished coils from the finished strip by coiling the finished strip and severing into sections.

However, Nitou et al do not disclose -not- cutting the strip before the intermediate coil. Applicant thus starts with enough initial molten material to control the intermediate coil weight. Thus, the molten material is not continuously added to the initial cast machine. Nitou et al disclose that the slab is cast continuously, i.e.-the molten material is continuously being cast. In order for Applicant to not cut the intermediate strip before coiling, Applicant must control the amount of material in the initial cast stage. However, it is within the level of ordinary engineering skill to convert a process from continuous to batch. See *In re Dilnot* 138 USPQ 248. In the instant case, the prior art discloses a continuous process, whereas Applicant discloses a batch, i.e.-Applicant is not continuously adding the initial starting material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the disclosure of Nitou et al by making the taught continuous process into a batch process, so as to improve the coiling process.

Furthermore, Nitou et al do not disclose changing the metallurgical characteristics of the continuous intermediate strip by temperature control prior to the coiling and by speed control through the second deformation stage. Temperature is

Art Unit: 1742

known in the art to be a result effective variable for metallurgical properties. Speed control, which affects coil appearance and mill delays, is known in the art to be a result effective variable for metallurgical properties (see "Steel Industry: Hot Strip Mill Coiling" for support). Therefore, it would have been obvious to one of ordinary skill in the art to have used temperature and speed control to effect changes in the metallurgical characteristics of the strip because temperature and speed control are known to be result effective variables that affect metallurgical characteristics.

Regarding claim 7, Nitou et al disclose using a mandrel on the coil (see page 4, col 1)

Regarding claim 8, coiling without mandrels is known in the art (see Frommann et al at col 2, lines 58-60 for support). Therefore, it would have been obvious to one of ordinary skill in the art to have affected the coiling step in Nitou et al without the use of a mandrel because coiling is known to be effected by equipment either having or lacking a mandrel.

Regarding claim 12, Nitou et al disclose changing the geometrical characteristics during the second deformation stage. In the figure, 1B does an orientation correction (see page 3, col 1).

Regarding claim 13, Nitou et al disclose that around the coils is a heat retention box, thus protecting the edges of the intermediate strip from cooling (see page 3, col 1).

#### ***Response to Arguments***

4. Applicant's arguments filed 12 June 2002 have been fully considered but they are not persuasive. Applicant has argued that Nitou et al do not teach the limitations in

claim 6 of changing the metallurgical characteristics by temperature control and speed control.

In response to Applicant's argument, temperature is a well known result effective variable that is known to affect metallurgical properties. Speed control is also a well known result effective variable as evidenced by "Steel Industry: Hot Strip Mill Coiling". Therefore, it would have been within the expected skill of a routineer in the art to have used temperature and speed control to effect changes in the metallurgical properties of the steel strip.

In reference to Applicant's request for a full translation of Nitou et al, a translation has been requested by the USPTO and as soon as the Examiner receives it, it will be forwarded to Applicant's representative. The specific references in the rejection above are to sections of the patent publication that were orally translated by the USPTO.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry D Wilkins, III whose telephone number is 703-305-9927. The examiner can normally be reached on M-F 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy V King can be reached on 703-308-1146. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Art Unit: 1742

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Harry D Wilkins, III  
Examiner  
Art Unit 1742

hdw  
July 25, 2002

ROY KING  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700